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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,129	03/16/2001	Kingsum Chow	42390P10466	6517

8791 7590 08/14/2006

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
BLAIR, DOUGLAS B	
ART UNIT	**PAPER NUMBER**
2142	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,129	CHOW ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 25 April 2006.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-43 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-43 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Request for Appeal Conference, filed 4/25/2006, with respect to the rejection(s) of claim(s) 1-43 under the previous grounds of rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent Number 5,948,061 to Merriman et al. and U.S. Patent Number 6,826,617 to Ansell et al..

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-13, 18-21, 23-30, and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,948,061 to Merriman et al..

4. As to claim 1, Merriman teaches a method for geographic location determination based at least in part on inspection of a network address of a client, the method comprising: performing a trace route between a server and the address of the client (col. 8, lines 6-30); the trace route identifying at least one domain name in a route between the server and the client identifying a construction format for the domain name (col. 4, line 56-col. 5, line 7); identifying a

geographically significant component of the domain name (col. 4, line 56-col. 5, line 7); and determining a geographic location for the domain name based at least in part of the geographically significant component (col. 8, lines 6-30).

5. As to claim 2, Merriman teaches the method of claim 1, further comprising: analyzing domain names associated with a network access provider so as to identify the construction formats for said domain names (col. 8, lines 6-30); identifying geographically significant components of said construction components (col. 4, line 56-col. 5, line 7); and storing cross-references between said geographically significant components and geographic locations in a storage (col. 8, lines 6-30).

6. As to claim 3, Merriman teaches the method of claim 1, further comprising: validating said determined geographic location by performing at least one validating said determined geographic location by performing at least one alternate geographic determination for the network address (col. 8, lines 6-30).

7. As to claim 4, Merriman teaches the method of claim 3, further comprising: determining more than one geographic location for the network address (col. 8, lines 6-30); and ranking said determined geographic locations in accordance with the number of alternate geographic location determinations consistent with said determined geographic locations (col. 8, lines 15-22).

8. As to claim 6, Merriman teaches the method of claim 1, wherein said performing the trace route is performed from the server to the client (col. 8, lines 6-30).

9. As to claim 7, Merriman teaches the method of claim 1, wherein said performing the trace route is performed from the client to the server (col. 8, lines 6-30, interpreting the machine that initiates the traceroute as the client and the user's ISP as the server. Notice applicant's

specification merely states that a client can perform a traceroute to the server at page 5, lines 9-10 but never describes anything else about such a limitation so therefore claim 7 is interpreted broadly).

10. As to claim 8, Merriman teaches the method for determining a geographic location for a network address, comprising: receiving a trace route comprising first and second network host identifiers for hosts disposed between a server and a client on a network (col. 8, lines 6-30); matching the first network host identifier to a first template (col. 4, line 56-col. 5, line 7); first parsing the first network host identifier according to the first template (col. 4, line 56-col. 5, line 7); and identifying an estimated geographic location for the client based at least in part on said first parsing (col. 8, lines 6-30).

11. As to claim 9, Merriman teaches the method of claim 8, further comprising: matching the second network host identifier to a second template (col. 8, lines 23-30, first template is the country code in col. 5, lines 1-7 and second template is ISP check); second parsing the second network host identifier according to the second template (col. 8, lines 6-30); and revising said estimated geographic location based at least in part on said second first parsing (col. 8, lines 6-30).

12. As to claim 10, Merriman teaches the method of claim 8, further comprising: revising said estimated geographic location based at least in part on a client profile associated with the client (col. 7, lines 15-31).

13. As to claim 11, Merriman teaches the method of claim 10, further comprising: said client contacting the server with the web browser, said browser providing the client profile to the server (col. 7, lines 15-31).

14. As to claim 12, Merriman teaches the method of claim 10, wherein the client profile is based at least in part on a customer database identifying the client (col. 5, lines 50-63).

15. As to claim 13, Merriman teaches the method of claim 10, wherein the client profile is based at least in part on a mass-marketing database identifying the client (col. 5, lines 50-63).

16. As to claims 18-21 and 23-30, they feature the same limitations as claims 1-4 and 6-13, respectively, and are thus rejected for the same reasons as 1-4 and 6-13.

17. As to claims 35-37, they are rejected for the same reasons as claims 1-3.

18. As to claims 38-39, they are rejected for the same reasons as claims 8-9.

19. As to claim 40, Merriman teaches the apparatus of claim 38, further comprising: revising means for revising said estimated geographic location based at least in part on a client profile associated with the client (col. 5, lines 50-63).

20. Claims 1-9, 14-26, and 31-39, and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,826,617 to Ansell et al.

21. As to claim 1, Ansell teaches a method for geographic location determination based at least in part on inspection of a network address of a client, the method comprising: performing a trace route between a server and the address of the client (col. 10, lines 20-49); the trace route identifying at least one domain name in a route between the server and the client identifying a construction format for the domain name (col. 10, lines 20-49); identifying a geographically significant component of the domain name (col. 10, lines 20-49); and determining a geographic location for the domain name based at least in part of the geographically significant component (col. 10, lines 20-49).

22. As to claim 2, Ansell teaches the method of claim 1, further comprising: analyzing domain names associated with a network access provider so as to identify the construction formats for said domain names (col. 14, lines 1-67); identifying geographically significant components of said construction components (col. 14, lines 1-67); and storing cross-references between said geographically significant components and geographic locations in a storage (col. 14, lines 1-67).

23. As to claim 3, Ansell teaches the method of claim 1, further comprising: validating said determined geographic location by performing at least one validating said determined geographic location by performing at least one alternate geographic determination for the network address (col. 10, lines 20-49).

24. As to claim 4, Ansell teaches the method of claim 3, further comprising: determining more than one geographic location for the network address (col. 10, lines 20-49); and ranking said determined geographic locations in accordance with the number of alternate geographic location determinations consistent with said determined geographic locations (col. 9, lines 11-16 and 24-43).

25. As to claim 5, Ansell teaches the method of claim 1, further comprising: providing a regular expression corresponding to the construction format (col. 14, line 41); matching the regular expression against the domain name (col. 14, lines 1-67); and identifying a geographically significant portion of the regular expression so as to facilitate said identifying the geographically significant component of the domain name (col. 14, lines 1-67).

26. As to claim 6, Ansell teaches the method of claim 1, wherein said performing the trace route is performed from the server to the client (col. 10, lines 20-49).

27. As to claim 7, Ansell teaches the method of claim 1, wherein said performing the trace route is performed from the client to the server (col. 10, lines 20-49, interpreting the machine that initiates the traceroute as the client and the user's ISP as the server. Notice applicant's specification merely states that a client can perform a traceroute to the server at page 5, lines 9-10 but never describes anything else about such a limitation so therefore claim 7 is interpreted broadly).

28. As to claim 8, Ansell teaches the method for determining a geographic location for a network address, comprising: receiving a trace route comprising first and second network host identifiers for hosts disposed between a server and a client on a network (col. 10, lines 20-49); matching the first network host identifier to a first template (col. 10, lines 20-49); first parsing the first network host identifier according to the first template (col. 10, lines 20-49); and identifying an estimated geographic location for the client based at least in part on said first parsing (col. 10, lines 20-49).

29. As to claim 9, Ansell teaches the method of claim 8, further comprising: matching the second network host identifier to a second template (Reference numbers 1304a-d in Figure 13 are separate templates, see col. 14, lines 1-67); second parsing the second network host identifier according to the second template (col. 14, lines 1-67); and revising said estimated geographic location based at least in part on said second first parsing (col. 14, lines 1-67).

30. As to claim 14, Ansell teaches a method of determining a geographic location, comprising: creating a log comprising network addresses of clients that have communicated with a web server (col. 5, lines 48-59, the TR server keeps a log of inquiries about client location); filtering the log so as to remove undesirable network addresses (col. 10, lines 20-49, the

traceroute is only done for addresses that are not known); asynchronously performing a trace route between a first one of said filtered network addresses and the server (col. 10, lines 20-49); analyzing a result of said asynchronous performed trace route (col. 10, lines 20-49); and determining a geographic location for said first one responsive to said analyzing (col. 10, lines 20-49).

31. As to claim 15, Ansell teaches the method of claim 14, further comprising: generating a report comprising geographic locations for clients that have communicated with the web server (col. 5, lines 48-59).

32. As to claim 16, Ansell teaches the method of claim 14, wherein said determining the geographic location comprises: matching the result against a template identifying geographically significant portions of network addresses formatted in compliance with the template (col. 14, lines 1-67).

33. As to claim 17, Ansell teaches the method of claim 14, wherein undesirable network addresses comprise network addresses already having a known geographic location (col. 10, lines 20-49).

34. As to claims 18-26 and 31-34, they feature the same limitations as claims 1-9 and 14-17, respectively, and are thus rejected for the same reasons as claims 1-9 and 14-17.

35. As to claims 35-37, they are rejected for the same reasons as claims 1-3.

36. As to claims 38-39, they are rejected for the same reasons as claims 8-9.

37. As to claims 41-43, they are rejected for the same reasons as claims 14-16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair
DBB

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER